

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2007-7298

RITA L. DICARLO,

Claimant-Appellant,

v.

JAMES B. PEAKE, M.D., Secretary of Veterans Affairs,

Respondent-Appellee.

Kenneth M. Carpenter, Carpenter, Chartered, of Topeka, Kansas, argued for claimant-appellant.

Kyle E. Chadwick, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent-appellee. On the brief were Jeffrey S. Bucholtz, Acting Assistant Attorney General; Jeanne E. Davidson, Director, Todd M. Hughes, Deputy Director; and Marla T. Conneely, Trial Attorney. Of counsel on the brief were Michael J. Timinski, Deputy Assistant General Counsel; and Martin J. Sendek, Staff Attorney, Office of the General Counsel, United States Department of Veterans Affairs, of Washington, DC.

Appealed from: United States Court of Appeals for Veterans Claims

Judge Bruce E. Kasold

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Respondent-Appellee.

## Judgment

ON APPEAL from the United States Court of Appeals for Veterans Claims  
in CASE NO(S).03-629

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (BRYSON, Circuit Judge, ARCHER, Senior Circuit Judge, and PROST,  
Circuit Judge.)

AFFIRMED. See Fed. Cir. R.36

ENTERED BY ORDER OF THE COURT

DATED: June 9, 008

/s/ Jan Horbaly  
Jan Horbaly, Clerk